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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,410	02/03/2005	Shojiro Tanaka	50083-223	6300
20277 7590 11/30/2007 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER CHAI, LONGBIT	
			ART UNIT 2131	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,410

Applicant(s)

TANAKA, SHOJIRO

Examiner

Longbit Chai

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Currently pending claims are 9 – 15.

Response to Arguments

2. Applicant's arguments with respect to instant claims have been fully considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 15 are indefinite because the claim language “without making a substantial change in appearance of the icon image” is considered to be unclear about what is the exact level of sufficiency to constitute the level of recognition without making a substantial change in appearance of the icon image. Any other claims not addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendori et al. (International Conference on Computer Education – ICCE' 2002), in view of Duroj et al. (U.S. Patent 6,804,702).

As per claim 9 and 11, Mendori teaches a session initiating method (Mendori: Abstract / Line 3 – 4 and Sect. 1, 2nd Para: user remote log-on to a network for starting up authentications is considered as a user log-in session) that is applied to a computer system equipped with a graphical user interface (Mendori: Figure 1), the session initiating method comprising:

specifying an icon image having image information and corresponding to a user (Mendori: Abstract / Line 10 – 15: an icon image is used for elementary school student for start-up authentication because the password is not easy for them to remember);

determining whether start information necessary for initiating a session is embedded in the icon image (Mendori: Page 2, Sec. 2.2, Last sentence), the start information being additional information different from the image information (see Duroj below);

extracting the start information from the icon image based on an algorithm that is unique to the user when it is determined that the start information is embedded in the icon image (Mendori: Page 1 Sec 2.2., 1st Para and Sect. 1, 2nd Para : each icon image represents each individual user's account and password and each icon image has 32 pixels square and each interval was half size the size of an icon image, which is considered as part of the unique algorithm with respect to each different user);

setting-up the session (Mendori: Abstract / Line 3 – 4 and Sect. 1, 2nd Para: a user remote log-on to the network for starting up authentications);

inputting, during the setting up, the start information (Mendori: Abstract / Line 10 – 15, Page 1 Sec 2.2., 1st Para and Sect. 1, 3rd Para: the start information (i.e. user account and password) is extracted with respect to the selected icon image);

verifying whether the start information input satisfies a condition for initiating the session (Mendori: Page 2, Sec. 2.2, Last 2nd sentence); and

controlling the session based on a result of the verifying, wherein,
when it is verified that the start information satisfies the condition, the controlling includes initiating the session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication), and

when it is verified that the start information does not satisfy the condition, the controlling includes aborting the session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence).

However, Mendori does not disclose expressly the start information being additional information different from the image information.

Duroj teaches the start information being additional information different from the image information (Duroj: Column 3 Line 45 – 55 and Abstract / Line 5 – 7: the pixels of the icon image can be matched to allow access if a predetermined threshold is reached – Examiner notes, this is consistent to the specification, preventing the icon image from undergoing a substantial change in appearance after the additional information is embedded and a continuous gradation of color is not considerably damaged; however, it is only necessary to keep the icon image look substantially same in appearance (SPEC: Page 26 Line 6 – 16)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Duroj within the system of Mendori because (a)

Mendori teaches a startup authentication mechanism by using a usid / password icon image instead of characters (Mendori: Abstract and section 2.2), and (b) Duroj teaches a more flexible usid / password icon image authentication method by matching the pixels of the icon image to allow access if a predetermined threshold is reached for retrieving data files from the hard disk through the world wide web (www) or intranet connections (Duroj: Column 3 Line 45 – 55 and Abstract / Line 5 – 7).

As per claim 10 and 12, Mendori as modified teaches the start information includes an identification and a password of the user (Mendori: Sect. 1, 2nd Para).

As per claim 13 and 15, Mendori teaches an icon-image creating apparatus that creates an icon image to initiate a session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication), the icon-image creating apparatus comprising:

an image-information inputting unit that inputs icon image information corresponding to a user (Mendori: Abstract / Line 10 – 15: an icon image is used for elementary school student for start-up authentication because the password is not easy for them to remember);

a user-information inputting unit that inputs user information of the user (Mendori: Sect. 1, 3rd Para and Abstract / Line 10 – 15 & Figure 1 and Section 2: GUI password input interface using user icon image);

an area detecting unit that detects a first area based on a structure of the icon image information input (Mendori: Page 2, Sec. 2.2, Last 2nd sentence: the area of the icon representing the registered user), the first area for embedding additional information different

from the icon image information, without making a substantial change in appearance of the icon image (see Duroj below).

an area determining unit that determines a second area, based on an algorithm that is unique to the user, from the first area detected, the second area for embedding the user information (Mendori: Sect. 1, 2nd Para and Page 1 Sec 2.2., 1st Para: each icon image represents each individual user's account and password and each icon image has 32 pixels square and each interval was half size the size of an icon image, which is considered as part of the unique algorithm with respect to each different user – the second area of icon image is interpreted as the password area);

an information embedding unit that embeds the user information in the second area determined (Mendori: Page 1 Sec 2.2., 1st Para and Page 2, Sec. 2.2, Last 2nd sentence); and

an icon-image outputting unit that outputs the icon image with the user information embedded (Mendori: Page 2, Sec. 2.2, Last 2nd sentence, Sect. 1, 2nd Para and Page 1 Sec 2.2., 1st Para and Abstract / Line 3 – 4).

However, Mendori does not disclose expressly the first area embedding additional information different from the icon image information, without making a substantial change in appearance of the icon image.

Duroj teaches the first area embedding additional information different from the icon image information, without making a substantial change in appearance of the icon image (Duroj: Column 3 Line 45 – 55 and Abstract / Line 5 – 7: the pixels of the icon image can be matched to allow access if a predetermined threshold is reached – Examiner notes, this is consistent to the specification, preventing the icon image from undergoing a substantial change in appearance after the additional information is embedded and a continuous gradation of color is not

considerably damaged; however, it is only necessary to keep the icon image look substantially same in appearance (SPEC: Page 26 Line 6 – 16)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Duroj within the system of Mendori because (a) Mendori teaches a startup authentication mechanism by using a usid / password icon image instead of characters (Mendori: Abstract and section 2.2), and (b) Duroj teaches a more flexible usid / password icon image authentication method by matching the pixels of the icon image to allow access if a predetermined threshold is reached for retrieving data files from the hard disk through the world wide web (www) or intranet connections (Duroj: Column 3 Line 45 – 55 and Abstract / Line 5 – 7).

As per claim 14 and 16, Mendori as modified teaches the user information includes an identification and a password of the user necessary for initiating the session (Mendori: Sect. 1, 2nd Para and Page 2, Sec. 2.2, Last 2nd sentence: user remote log-on to a network to initiate a user log-in session after the start-up authentication).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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